

Application No. 10/755,607
Amendment Dated March 16, 2005
In Reply to USPTO Office Action Dated November 16, 2004
Attorney Docket No. 3139-040121

AMENDMENTS TO THE CLAIM

Please amend the claim to read as follows:

1. ~~The~~A new and distinct variety of strawberry plant, named 'Evangeline' as herein described and illustrated.

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RESPONSE UNDER 37 C.F.R. §1.105

The undersigned is advised that there were two nurseries in Nova Scotia selling small quantities of plants of 'Evangeline' strawberries in the Spring of 1999 and 2000. Since it takes several years to build up large numbers of plants of new varieties, the numbers of 'Evangeline' available for sale were relatively low. The nurseries were:

1. C.O. Keddy Nursery Inc., 982 North Bishop Road, Kentville, N.S. B4N 3V7 CANADA (Phone: 902-678-4497, Fax: 902-678-0067); and
2. G.W. Allen Nursery Ltd., R.R. #2, Centreville, N.S. B0P 1J0 CANADA (Phone: 902-678-7519, Fax: 902-678-5924).

Invoices obtained from the C.O. Keddy Nursery are enclosed herewith. Please note that on the invoices 'Evangeline' is referred to as ST-EVAN.

Please also find enclosed three excerpts from the Plant Varieties Journal, the official record of the Canadian Plant Breeder's Rights Office. These indicate the date of application for 'K93-1' (the former name of 'Evangeline'), the publication of the application for 'Evangeline', and the date of Grant of Rights for the claimed variety.